

**Fox and Fox Attorneys at Law, PC**  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE:</b>	:	
<b>Mark A. Shorette and</b>	:	
<b>Stacy A. Shorette, aka</b>	:	
<b>Stacy A. Dietz,</b>	:	
<b>Debtor(s)</b>	:	<b>BANKRUPTCY NO. 24-10007-pmm</b>
	:	
<b>LENDMARK FINANCIAL</b>	:	<b>Chapter 13</b>
<b>SERVICES, LLC</b>	:	
<b>Moving Party</b>	:	
<b>vs.</b>	:	
	:	<b>Hearing Date: July 16, 2024 @ 10:00 a.m.</b>
<b>Mark A. Shorette and</b>	:	
<b>Stacy A. Shorette, aka</b>	:	
<b>Stacy A. Dietz,</b>	:	
<b>Respondent(s)</b>	:	

**MOTION OF LENDMARK FINANCIAL SERVICES, LLC  
FOR RELIEF FROM AUTOMATIC STAY**

Lendmark Financial Services, LLC ("Lendmark") comes by its attorneys and moves for relief from the automatic stay. In support of its motion, Lendmark avers as follows:

1. Movant is Lendmark Financial Services, LLC.
2. Respondents are Mark A. Shorette and Stacy A. Shorette, aka Stacy A. Dietz, (collectively the "Debtor") who filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code.
3. On or about February 24, 2023, Debtor, Stacy A. Dietz borrowed money from LENDMARK (the "Loan").

4. The LENDMARK Loan is secured by a 2010 Aerolite Cub M185 Camper (the "Vehicle").

5. Debtor is in arrears with respect to Post-Petition payments on the Loan.

6. Debtor has not made the post-petition payments for January through June, 2024.

7. The Debtor has no equity in the Vehicle.

8. The Property is not necessary to an effective reorganization.

9. The Debtor has not commenced monthly payments to Moving Creditor, whose claim is secured by the vehicle.

10. If Movant is not granted relief, it will suffer irreparable injury, loss and damage.

11. Rule 4001(a)(3) should not be applicable and Movant should be allowed to immediately enforce and implement the Order granting relief from the Automatic Stay

12. Pursuant to 11 U.S.C.A. §362, Bank is entitled to relief from the automatic stay for any one or more of the following reasons:

(a) Cause, included but not limited to:

1. lack of equity in the Vehicle,
2. Debtor's continued to default and failure to make post-petition monthly payments,
3. Bank has not received the indubitable equivalent of its right under the contract with the Debtor;
4. lack of adequate protection including but not limited to:
  - A. failure to make periodic payments;
  - B. failure to offer additional or replacement collateral;
  - C. no equity cushion in the Vehicle;
  - D. Debtor's failure to make the required payments .

13. In the alternative, Lendmark requests Relief from the Automatic Stay pursuant to 11

U.S.C.A. §362(d) for the following reasons:

- (a) Debtor does not have any equity in the Vehicle;
- (b) The Vehicle is not necessary for Debtors' effective reorganization as Debtor's

Petition herein is filed under Chapter 13.

WHEREFORE, Movant requests that this Court enter the attached Order lifting the Automatic Stay as to it.

FOX AND FOX ATTORNEYS AT LAW, P.C.

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<b>Respondent(s)</b>	:	

**ORDER**

AND NOW, this      day of                      , 2024, upon consideration of the Motion of Lendmark Financial Services, LLC for Relief from the Automatic Stay and any response filed thereto, and after proper notice and an opportunity for hearing, it is hereby ORDERED that:

- a. Said Motion shall be and hereby is granted;
  
- b. Rule 4001(a)(3) is not applicable and Lendmark Financial Services, LLC may immediately enforce and implement the Order granting relief from the Automatic Stay; and
  
- c. The automatic stay is hereby lifted as to Lendmark Financial Services, LLC, its assignee or nominee, and Lendmark Financial Services, LLC is hereby permitted to take possession of and dispose of the 2010 Aerolite Cub M185 Camper (the "Vehicle") and otherwise exercise its non-bankruptcy rights against Debtor and the Vehicle..

BY THE COURT:

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J.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that he is counsel for Creditor, Lendmark Financial Services, LLC, and he served via regular, first class mail, postage pre-paid a copy of the Motion for Relief from the Automatic Stay, Proposed Order, Notice of Motion, response deadline and hearing date on the date set forth below to the following persons addressed as follows:

U.S. Trustee	Scott F. Waterman
Office of the U. S. Trustee	Chapter 13 Trustee
Robert N.C. Nix Fed. Bldg.	2901 St. Lawrence Avenue, Suite 100
Suite 320	Reading, PA 19606
Philadelphia, PA 19107	

Paul H. Young, Esquire	Mark A. Shorette and
3554 Hulmeville Rd., Suite 102	Stacy A. Shorette, aka
Bensalem, PA 19020	Stacy A. Dietz

2358 Jennie Avenue  
Allentown, PA 18104

FOX AND FOX ATTORNEYS AT LAW,  
P.C.

DATE: 6/27/2024

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